

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:96CR00320 CDP
)	
GREGORY VERNON PERRY,)	
)	
Defendant.)	

**GOVERNMENT'S RESPONSE TO DEFENDANT'S
MOTION TO UNSEAL COURT FILE AND RECORD**

COMES NOW the United States of America, by and through its attorneys, Catherine L. Hanaway, United States Attorney for the Eastern District of Missouri, and Steven E. Holtshouser, Assistant United States Attorney for said District, and opposes the defendant's motion to unseal the court file and record in this case and in support thereof states as follows:

Defendant seeks to unseal a variety of items including "details of the investigation, indictment, plea agreement, proffer and all other related pleadings and evidence" in connection with this case. The only items which are actually "under seal" are the plea agreement, the forfeiture agreement and the presentence report. The government suggests that these items should remain under seal.

Defendant provides no strong reasons why the current status should be changed. Although the assistant who handled this case is no longer in this office, the undersigned assumes that both the government and this court, as well as defendant's counsel, had good reason for sealing these documents and barring some other showing by defendant they should not be unsealed.

The indictment, of course, is a matter public record as are other pleadings in the file which are not under seal. The “details of the investigation” and the “proffer” are not a part of the court file and probably remain in the possession of the government. Accordingly, because these items are not part of the court file, defendant’s motion is moot as to these items. Defendant fails to cite any authority that would authorize this court to order their production or public dissemination.

WHEREFORE, the government respectfully requests that defendant’s motion be denied.

Respectfully submitted,

CATHERINE L. HANAWAY
United States Attorney

/s/ Steven E. Holtshouser
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CERTIFICATE OF SERVICE

I hereby certify that on October 16, 2007, the foregoing was filed electronically with the Clerk of the Court to be served on the following non-participant in Electronic Case Filing via U.S. mail on:

Gregory Vernon Perry
P.O. Box 21310
St. Petersburg, FL 33742-1310

/s/ Steven E. Holtshouser
Assistant United States Attorney